IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7292 of 2004

Between:
Bora Nagarathnam, w/o Chandra Sekhara Reddy,
D.No.9-1-32, Maddilapalem, Near Andhra Bhoomi,
Visakhapatnam.

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Visakhapatnam,
Municipal Corporation Buildings, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein as highly arbitrary, unconstitutional, illegal as violation of Art.14 and principles of natural justice and consequentially direct the respondent not to demolish and evict the petitioner from premises bearing D.No.9-1-32, in S.No.1, Block No.1, Waltair Ward, situated at Maddilapalem, Visakhapatnam to follow due procedure established under law.

For the Petitioner:MR.T.M.K.CHAITANYA, Advocate

For the Respondent:MR.T.S.VENKATARAMANA, Standing Counsel

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed seeking direction to the respondent not to demolish and evict the petitioner from premises of thatched house bearing D.No.9-1-32 in S.No.1, Block No.1, Waltair Ward at Maddilapalem of Visakhapatnam.

The case of the petitioner is that she is running a hotel under the name and style of "Nagarathnam Mess" since 1979 in a thatched house situated in the disputed premises, which was let out to her by one Sri Dalipoli Reddy, who purchased the same from Sri Bhanoji Rao under registered sale deed dated 10.08.1949 and paying professional tax. She obtained electricity connection bearing No.51008/1419. It is further stated that on 11.04.2004 the staff of the respondent came to the premises of the petitioner and threatened to demolish the structure and evict her without notice, which is illegal and arbitrary. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned counsel for the respondent.

The learned counsel for the respondent submits that there is no threat of demolition as on today and it is only on apprehension the present writ petition is filed by the petitioner. It is also stated that the respondent-Corporation will issue notice and follow necessary procedure under due process of law, if they want to take any action against the petitioner. In view of the submissions made by the learned counsel for the respondent, the writ petition is disposed of directing the respondent that before taking any steps for demolition, they shall follow the due process of law.

Accordingly the writ petition is disposed of. No costs.

15th June, 2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Municipal Corporation of Visakhapatnam,
   Municipal Corporation Buildings, Visakhapatnam.

2. Two CD copies.

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